IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9451 OF 2005

Haji Abdul Sattar Makbul
Beskar & Ors. ..Petitioners

versus

Anwarulla Hajaratso Shaikh
& Ors. ..Respondents

Shri A. M. Kulkarni for the Petitioners.

CORAM : DR. D.Y.CHANDRACHUD,J.
DATE : 10TH FEBRUARY,2006

P.C. :

. In a suit instituted by the Respondents for an order of mandatory injunction, an application was moved by the petitioners for appointment of a Court Commissioner. That application has been dismissed by the impugned order. The learned trial court was not in error in declining to allow the appointment of the Commissioner. Ultimately, it is for the respondents who are plaintiffs to establish their case for grant of relief. The grievance of the petitioners is that the measurement map, which is relied upon by the respondents - original plaintiffs was prepared without notice to the Petitioners. It

would always be open to the Petitioners to establish their defence before the learned Trial Judge. At this stage, the interference of the Court is not warranted. Petition is dismissed.

(DR. D. Y. CHANDRACHUD, J.)